

**CASE No. 1:23-CV-03920-JHR**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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IN RE CELSIUS NETWORK LLC, ET AL.,  
*DEBTORS.*

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COMMUNITY FIRST PARTNERS, LLC, ET AL.,

APPELLANTS,

V.

OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR  
CELSIUS NETWORK LLC, ET AL.,

APPELLEES.

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APPEAL FROM THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
BANKR. CASE No. 22-10964 (MG)

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**JOINT STIPULATION OF VOLUNTARY DISMISSAL**

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June 12, 2023

This Stipulation of Voluntary Dismissal pursuant to Federal Rule of Bankruptcy Procedure 8023 is made by and among Appellants Community First Partners, LLC, Celsius SPV Investors, LP, Celsius New SPV Investors, LP, and CDP Investissements Inc. (collectively, “**Appellants**”) and Appellee the Official Committee of Unsecured Creditors (the “**Committee**” and, together with Appellants, the “**Parties**”) appointed in the chapter 11 cases of Celsius Network LLC and its affiliated debtors (collectively, the “**Debtors**”).

### **RECITALS**

WHEREAS, on April 18, 2023, the United States Bankruptcy Court for the Southern District of New York entered its *Order Granting the Motion of the Official Committee of Unsecured Creditors (I) for Authority to File a Class Claim Asserting Non-Contract Claims on Behalf of Account Holders or (II) to Appoint a Third-Party Fiduciary to Assert Non-Contract Claims on Behalf of Account Holders* [Bankr. Docket No. 2496]<sup>1</sup> (the “**Class Claim Order**”), which authorized the Committee and any specified lead claimant or claimants to file a class proof of claim asserting non-contract claims of account holders against the Debtors.

WHEREAS, on April 28, 2023, the Committee filed Proof of Claim No. 29068 on the Debtors’ claims register (the “**Class Claim**”).

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<sup>1</sup> “Bankr. Docket” refers to the docket in *In re Celsius Network LLC, et al.*, Case No. 22-10964 (Bankr. S.D.N.Y.). “App. Docket” refers to the docket in this appeal.

WHEREAS, on May 2, 2023, Appellants filed a *Notice of Appeal* [Bankr. Docket No. 2576] from the Class Claim Order, initiating the above-captioned appeal (the “**Appeal**”).

WHEREAS, on May 30, 2023, the Committee filed its *Motion to Dismiss This Appeal* [App. Docket No. 4].

WHEREAS, on June 6, 2023, Appellants filed their *Response to Appellee Official Committee of Unsecured Creditors’ Motion to Dismiss This Appeal* [App. Docket No. 11].

WHEREAS, the Parties have met and conferred regarding the Appeal, and have agreed to a voluntary dismissal of the Appeal without prejudice.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated into this Stipulation, the Parties stipulate and agree as follows.

### **STIPULATION**

1. The Appeal is dismissed without prejudice to Appellants’ rights to raise any of the issues presented in this Appeal in any future appeal from a future order of the Bankruptcy Court.

2. The dismissal of the Appeal is also without prejudice to the Committee’s rights to oppose any future appeals by Appellants on any grounds, except that the Committee cannot assert that any of the issues raised in this Appeal that are raised in a future appeal have been waived or are in any way untimely.

3. Pursuant to Federal Rule of Bankruptcy Procedure 8023(a), each of the Parties shall bear its own fees and costs.

**SO STIPULATED:**

Dated: June 12, 2023

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*Counsel to the Official Committee of  
Unsecured Creditors*

**SO ORDERED:**

Dated: \_\_\_\_\_, 2023

New York, New York

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THE HONORABLE JENNIFER H. REARDEN  
UNITED STATES DISTRICT JUDGE